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Mailed: APR 18 2005

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In re application of
Smalley et al.
Serial No. 09/722,950
Filed: November 27, 2000
For: METHOD OF MAKING ROPES OF
SINGLE-WALL CARBON NANOTUBES

DECISION ON
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed February 24, 2005 for failure to respond to the Office Action dated February 8, 2002.

Applicants assert that they became aware for the first time that the application was abandoned after receiving a Notice of Allowance for the divisional of this application on February 4, 2005. This current application was listed as being abandoned.

DECISION

This petition request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request does have merit.

Applicants have provided a copy of their docket reports showing no receipt of an Office Action or Notice of Abandonment for the application. Applicants have also made a complete search of the files in the Attorney's offices in order to determine if an office letter had been received.

Applicants also provide evidence of two Status Inquires that were filed with the PTO on February 21, 2003 and March 11, 2004 in which the PTO did not respond to.

Applicants filed a change of correspondence address on October 29, 2004 and have provided evidence that the PTO received this document. The PTO advised applicants that a Change of Address was filed for this application on February 28, 2001. Applicants have no record of such Change of Address being filed on that date.

The holding of abandonment, set forth in the Notice of Abandonment of February 11, 2003 is withdrawn

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The application is returned active status and forwarded to the examiner of record for re-mailing of the Office Action that was not received. The action will be mailed to the correspondence address that was filed on October 29, 2004.

The petition is **GRANTED.**



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